# Tobacco PIC

## Shells

### NC – Tobacco PIC

#### Text: Public colleges and universities in the United States ought to only restrict constitutionally protected speech in order to prohibit advertising of tobacco products on campus.

CLS 04 ChangeLab Solutions, nonprofit organization that provides legal information on matters relating to public health. “Restricting Tobacco Sales, Advertising, and Sponsorship at Public Colleges and Universities” 2004. SA-IB

This Sample Policy is designed for a public college or university that is seeking to restrict tobacco sales, advertising, and sponsorship on campus property. The policy applies both to the college/university itself as well as to third parties who use campus property for events or other purposes. It is, of course, up to the college/university to decide which parts of the Sample Policy it chooses to adopt. The Sample Policy prohibits the sale of tobacco products on campus. The policy also limits tobacco advertising or sponsorship that is visible on campus. However, the policy does not prohibit acceptance by the university of tobacco industry-funded research or donations. The Sample Policy could easily be broadened to include such limits. Taking more steps to limit tobacco will minimize any inconsistencies in a college’s/university’s stance on tobacco and thus strengthen its legal position. Please [contact ChangeLab Solutions](http://changelabsolutions.org/changelab-solutions-contact-us) with any questions about adapting or extending this policy to meet your needs. I. Policy It is the policy of the [ insert name of college/university ] that: “Tobacco products” shall not be sold on campus. For purposes of this policy, “tobacco products” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. No “tobacco-related” advertising or sponsorship shall be permitted on [ college/university ] property.

#### The PIC’s outright content discrimination violates free speech.

TCLC 11 Tobacco Control Legal Consortium. “Restricting Tobacco Advertising” 2011. http://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-restricttobadvert-2011.pdf SA-IB

Policy Hurdle #1: Federal Cigarette Labeling and Advertising Act. Any law that places restrictions on the content of cigarette advertising would almost surely face challenges arguing that such a law is preempted by FCLAA. Note, however, that because FCLAA only regulates he promotion and advertising of cigarettes, laws that regulate the promotion and advertising of other tobacco products (―OTPs‖) should be safer from FCLAA challenges. Policy Hurdle #2: The First Amendment. To determine whether a law violates the First Amendment, courts look to previous Supreme Court decisions for guidance. The Supreme Court has developed a series of tests to determine whether the First Amendment’s speech protections are being violated. Different tests are applied depending on what type of speech is being regulated. Tobacco advertising is a form of commercial speech, which the courts afford less protection than other kinds of speech, such as individual political expression. The First Amendment’s Free Speech tests usually consist of several components—often called ―prongs.‖ The law must meet each prong’s requirement to be held constitutional. If the law fails to meet any one of these prongs, it violates the First Amendment and is unconstitutional.

#### A ban on advertising empirically reduces use of cigarettes without creating criminalization – multiple studies go negative.

TCLC 11 Tobacco Control Legal Consortium. “Restricting Tobacco Advertising” 2011. http://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-restricttobadvert-2011.pdf SA-IB

Most tobacco advertising is prohibited in television, radio, billboard, and transit ads pursuant to Federal Trade Commission regulations and provisions of the Master Settlement Agreement. However, tobacco advertisements are still prevalent in many areas, including certain outdoor locations such as store windows, store parking lots, and similar spaces. Tobacco advertisements are particularly concentrated inside retail stores, and are often targeted at children and adolescents, a particularly susceptible audience. Studies have shown that even brief exposure to tobacco advertising can influence the attitudes and perceptions of youth about smoking and the use of tobacco products. 4 By placing restrictions on tobacco advertising, communities can limit the amount of tobacco product advertising to which minors are exposed, which may decrease youth initiation and ongoing use of these products.

#### Advertising is a HUGE problem and specifically targets colleges – the net benefit is bigger than you think.

ALA 08 American Lung Association. “Big Tobacco on Campus: Ending the Addiction” August, 2008. http://www.lung.org/assets/documents/tobacco/big-tobacco-on-campus.pdf SA-IB

Marketing tobacco products to college-age young adults remains a priority of the tobacco industry, as evidence from the major cigarette companies’ reports to the Federal Trade Commission show. The five biggest cigarette companies have shifted their marketing substantially in the U.S. in the last ten years. Tobacco advertising rose 20 percent alone in 1999, or from $6.9 billion to $8.4 billion in one year. By 2005, the latest year for which data are available, the companies spent $13.11 billion marketing cigarettes. Consuming the lion’s share of their marketing—at over $10.6 billion in 2005—were industry tools that counteract higher taxes and reduce the price pressures that both prevent young people from starting to smoke and move smokers to quit—price discounts and coupons.26 By 2005, the companies had decreased their spending on magazine and newspaper advertising and free cigarette samples distribution (although newspaper and magazine marketing of menthol cigarettes has increased27) as the audience for print media has declined. The new emphasis in spending by the companies in mid-decade was in areas that would reach the young adult market: adult entertainment events (e.g., sponsoring bar nights and adult music concerts) and “specialty item distribution.” The spending on entertainment events rose to $214.1 million in 2005 from $140 million in 2004, although entertainment expenditures had been over $312 million in 2001. The $230.5 million spent in 2005 on “specialty item distribution” included both branded and unbranded products, such as T-shirts, caps, sunglasses, key chains, lighters and sporting goods, marketed in connection with cigarettes, sometimes even bound together with the packs themselves.28 Tobacco companies’ highly developed research practices allowed them to define a robust market for their products among college students. Exploring the industry’s own documents, now in archives, researchers identified clear evidence that the industry targeted these young adults as part of their cultivation of new pack-aday smokers.29 The industry recognized that young adults are going through a transition period in their life, moving from high school to college or to work, a prime time for developing and cementing new behaviors, including smoking. Tobacco companies exploit this vulnerability by sponsoring promotions in bars, nightclubs, and other places young adults socialize to encourage smoking as a social norm, moving them from an “experimenter” to “mature” smoker. Evidence shows how the tobacco industry carefully plotted to transform occasional smokers to regular, daily smokers, even targeting different brands to each smoking stage.30

#### How many empirics to I have to read – the studies all go my way – tobacco advertising and promotional events all increase usage.

Moran et al 05 Susan Moran, MD and MSCE. Nancy Riggoti, MD. Henry Wechsler, PhD. “US College Students’ Exposure to Tobacco Promotions: Prevalence and Association With Tobacco Use” 2005. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449866/ SA-IB

Objectives. We assessed young adults’ exposure to the tobacco industry marketing strategy of sponsoring social events at bars, nightclubs, and college campuses. Methods. We analyzed data from the 2001 Harvard College Alcohol Study, a random sample of 10904 students enrolled in 119 nationally representative 4-year colleges and universities. Results. During the 2000–2001 school year, 8.5% of respondents attended a bar, nightclub, or campus social event where free cigarettes were distributed. Events were reported by students attending 118 of the 119 schools (99.2%). Attendance was associated with a higher student smoking prevalence after we adjusted for demographic factors, alcohol use, and recent bar/nightclub attendance. This association remained for students who did not smoke regularly before 19 years of age but not for students who smoked regularly by 19 years of age. Conclusions. Attendance at a tobacco industry–sponsored event at a bar, nightclub, or campus party was associated with a higher smoking prevalence among college students. Promotional events may encourage the initiation or the progression of tobacco use among college students who are not smoking regularly when they enter college.

#### The tobacco industry is really really bad – side effects include but are not limited to racism, classism, poor health, and corruption.

Mark Ames 15. “Inside Big Tobacco's plans to kill a billion people” June 30, 2015. https://pando.com/2015/06/30/tobacco-industry-will-kill-billion-people-century-read-how-they-plan-do-it/ SA-IB

These documents offer an unvarnished view into the deadliest and most outrageous business conspiracy in history. Tens of millions of people dead, for tens of billions in Big Tobacco profits. Most of those deaths were easily preventable and might actually have been prevented but for this conspiracy. It’d be hard to believe if it weren’t all there in black and white: Secret programs to spike and freebase cigarettes in order to hook smokers for life, massive marketing campaigns aimed at hooking underage smokers and at confusing and tricking the public, and untold billions more spent bribing the media, science, academics, and politicians in order to keep the tobacco profits rolling on. You also find the names of all sorts of respectable journalists, political figures and nonprofit charities who cut secret deals with Big Tobacco to help them continue profiting off mass-death. The newest 3.0 version of the digital Tobacco Library has just gone live, the most advanced version yet of its online collection—and the most important collection of leaked secrets anywhere in the world. There are a lot of things I like about the Tobacco Library story—it’s one of those rare stories in which good really does triumph over evil, in which the work of heroes will save the lives of literally tens of millions of people, and for me it’s a rare story in which I get to talk up the good that tech can do. It’s thanks to technology that tens of millions of these company documents are open to researchers and journalists—a raw look into the bowels of corruption. These documents have helped shaped anti-smoking laws around the world and saved countless people from a painful, drawn-out death in the process. Before getting into the tech side of this story, it’s important to understand the stakes in the tobacco conspiracy: Every year, cigarettes still kill roughly 480,000 Americans. Worldwide, tobacco kills six million people per year. In all, tobacco killed over 100 million people in the 20th century, and cigarettes are expected to kill 1 billion people worldwide this century. There is nothing to compare to that death toll in all of human history, not even guns or nukes or the deadliest wars. Whereas tobacco brings nothing but misery for profit, at least you can say that some wars have achieved a greater good—defeating fascism, liberating oppressed groups. The one persistent argument made in tobacco’s defense -- an argument heavily funded and promoted by Big Tobacco -- is the false idea that those millions killed by smoking did so by their own “choice.” Leaving aside the billions spent by Big Tobacco over the years to distort and conceal the medical science on tobacco, there are a few problems with that rationale, many of them helpfully revealed by the LTDL documents. Murder, They Wrote In America, 50,000 people die a year from second-hand smoke; worldwide over 500,000 people die a year from second-hand smoke, which obviously wasn’t their choice. Many of those who develop second-hand smoke diseases were exposed as infants or children, or in their workplaces; Tobacco documents reveal that the companies focused their efforts on getting “presmokers” under the age of 18 addicted, because “presmokers” are far more likely to become addicted for life to nicotine than people who start smoking later in life. Tobacco documents reveal that this target demographic is called “learners,” “replacement smokers,” “starters,” and “tomorrow’s cigarette business”; American Tobacco’s undercover operative proposed publishing articles to discredit an anti-tobacco scientist in a newspaper that no one would trace to the tobacco industry. Up to 90 percent of smokers are addicted, meaning they have no choice. By comparison, only 3 percent of those who drink alcohol are addicted. 81 percent of smokers say they regret having started smoking and cannot quit. Most addicted smokers started smoking between the ages of 13 and 15. Philip Morris conducted secret pharmacological studies about children and smoking in reports titled “Aggressive Monkeys” and “Hyperkinetic Child as Prospective Smoker”; Tobacco companies spike cigarettes with ammonia to create “crack nicotine” in order to maximize addiction; Tobacco companies also targeted disadvantaged communities, including African-Americans and other minorities, and the mentally ill, because they too were more vulnerable to becoming lifelong cigarette addicts. RJR Reynolds once ran a marketing campaign for Camel cigarettes in San Francisco code-named “Project Scum” targeting the homeless, alcoholics, and drug addicts; By the 1970s, tobacco companies started heavily targeting lower-income groups. A 1978 Philip Morris marketing memo argued for pouring more money into sponsoring NASCAR races over sponsoring the arts: “The most important problem I see with sponsorship of the arts is that it reaches the wrong target group. In the main the arts are more of interest to the A/B class than to the lower social classes C and D. Smoking is becoming more and more a C/D class habit... sport sponsorship fits the class and mass exposure criteria much better, and therefore sells more cigarettes per $ spent”;

### Add-On – Journalism

#### Campus newspapers are key.

TTAC Tobacco Technical Assistance Consortium. “A COMPREHENSIVE APPROACH TO CAMPUS TOBACCO PREVENTION” No date. http://ttac.org/services/college/model/approach.html SA-IB

The tobacco industry strategy of marketing to young adults has been well-documented. Advertisements, media presentations, and tobacco-related promotions are prominent both on- and off-campus. The 1998 Master Settlement Agreement restricted advertising to those under 18 years old; since then, the tobacco industry has made a visible push to advertise to 18-24 year olds, including college students. Suggested Strategies. Ban tobacco advertising on campus, including the school newspaper and other publications (e.g., ads for products, tobacco promotions at bars, and tobacco company sponsored events) and at campus events.

### Add-On – Discourse

#### Tobacco’s corporate influence on colleges turns case.

Joel Westheimer 10, University Research Chair in Democracy and Education and is a Professor in the Faculty of Education at the University of Ottawa. “Higher Education or Education for Hire? Corporatization and the Threat to Democratic Thinking” April 2010. http://www.academicmatters.ca/2010/04/higher-education-or-education-for-hire-corporatization-and-the-threat-to-democratic-thinking/ SA-IB

Teaching critical thinking is the university’s democratic mission, argues the University of Ottawa’s Joel Westheimer, and today’s universities are failing to deliver. Universities need to reverse the trend that has them focusing on workforce preparation and the commercialization of knowledge and resurrect higher education’s public purpose. Ten years ago, I was fired, which is not in and of itself interesting. After all, many people lose their jobs every day, especially in times of economic turbulence. For better or worse, however, most endure such indignity in privacy. The New York Times, under the headline “New York University Denied Tenure to Union Backer,” reported that the U.S. government’s National Labor Relations Board “charge[d] New York University with illegally denying tenure to a professor who had testified in favor of allowing graduate students to unionize.” The Chronicle of Higher Educationheadline read “A Promising Professor Backs a Union Drive and Is Rejected for Tenure.” Smaller papers and magazines made similar observations. I was more concerned at the time with wanting my job back than with thinking about the broader implications (the cacophony of negative publicity heaped on NYU offered a sense of just deserts to be sure). But thrust into the public position as I was did raise one particular concern for my scholarly interests in democratic education. Nearly every news story cast my lot as an isolated incident of vengeful retribution by a few university administrators rather than as a case of something much larger than one professor (me) or one university (NYU). For the past 10 years I have been happily employed by the University of Ottawa and I am pleased to report that my children have not gone hungry. But whether others view my earlier dismissal as scandalous or justified, I find the following irrefutable: the forces that set the process in motion and enabled it to continue are an inevitable byproduct of dramatic changes the academy has been facing in the past several decades. These changes have little to do with individual university employees and much to do with changes in the structures and workings of the academy itself – not only NYU, but also private and public universities across the United States and Canada. Universities now model themselves after corporations seeking to maximize profit, growth, and marketability. As a result, the democratic mission of the university as a public good has all but vanished. And many of the (never fully realized) ideals of academic life – academic freedom (in my case, freedom of political expression), intellectual independence, collective projects, and pursuit of the common good – have been circumscribed or taken off the table altogether on a growing number of college and university campuses across North America. The effects of corporatization on the integrity of university research – especially in the sciences – has been well-documented elsewhere. Readers of Academic Matters are likely familiar with the many cases of scientific compromise resulting from private commercial sponsorship of research by pharmaceutical and tobacco companies. Indeed, faculty throughout North America are already deluged with requests or demands to produce research that is “patentable” or “commercially viable.” Sometimes these entreaties are couched in gentler (some might argue more insidious) terms such as “knowledge mobilization” or “knowledge use.” What I want to focus on here, however, are implications that are less well explored but equally dangerous: the ways the academy’s shift towards a business model of education delivery impedes our collective ability to preserve and promote a democratic way of life. As in so many other arenas in our society today where democratic interests are pitted against economic ones, democracy seems to be losing. Three developments stemming from the pursuit of a corporate model of education pose threats not only to the historic ideal of a liberal democratic education but also to the future of democratic thinking itself. They are the elimination of critical thinking and a culture of criticism; the weakening of intellectual independence and democratic faculty governance; and the promotion of a meritocracy myth that drives the work of graduate students, junior and senior faculty alike. The first two erode democratic thinking by curbing the habits of mind and heart that enable democracy to flourish – what John Dewey called the “associated experience[s]” essential to democratic life. The last – the meritocracy myth – attacks the heart of these associated experiences by diminishing the power of the community to nurture collective meaning and worth. The impact of the corporate campus on critical thinking Within the unique university context, the most crucial of all human rights…are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself…It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit. This excerpt from the mission statement of the University of Toronto might be hailed as a shining example of the centrality of university campuses in promoting and preserving critical thinking as the engine of progress in any democratic society. Except for one thing: institutional leaders at the university whose faculty drafted these words do not believe them and do not abide by them. The University of Toronto is the site of two of the most notoriously blatant violations of these principles in the past decade: the well-publicized cases of Nancy Olivieri and David Healy, involving the university’s unwillingness to stand up to corporate funders and protect academic freedom and the integrity of critical inquiry. Unfortunately, the Olivieri and Healy cases do not stand alone. Scores of examples of scientific and social scientific research essential to public welfare are undermined by private influence. In fact, more than 52 per cent of funding for clinical medical research is now from corporate sources. The trend is easiest to spot and most publicly alarming in the medical sciences, since lives are at stake. But there is cause for concern as well in the humanities and social sciences, where publication of inconvenient truths can be discouraged by university higher-ups. The harm to the reputation of the university as a reliable source of (especially “scientific”) information untainted by private conflicts of interest has been documented extensively. But the ways these changes affect the campus life of faculty and students has been considered far less. As universities turn to business models– becoming certification factories rather then institutions of higher learning – democratic educational ideals are fast becoming obsolete. Consequently, professors find it more difficult in their teaching to foster critical thinking as a necessary underpinning of democratic participation. The “shopping mall” university where students seek the cheapest and fastest means for obtaining the basic skills and certification they need is becoming a familiar metaphor and model for university administrators, students, and parents. Courses not directly related to job-training look more and more like useless dust to be eliminated. Meetings among faculty about which program of courses might yield the most robust understanding of a field of study and of the debates and struggles that field entails are rapidly being replaced by brainstorming sessions about how to narrow the curriculum to fit into, for example, two weekends in order to incentivize matriculation and increase student enrollment.

### Add-On – Race

#### Solving cap is key to solving race – net benefit comes prior.

Kehoe et al 94 Earl Mansfield and John Kehoe, Autumn, 1994, (“A Critical Examination of Anti-Racist Education” Canadian Journal of Education / Revue canadienne de l'éducation, Vol. 19, No. 4 (Autumn, 1994), pp. 418-430)

A Marxist informed anti-racist movement developed in the United Kingdom and the United States in the early 1970s (Troyna, 1992). **Liberal education's promise of equality of opportunity through meritocracy had not been fulfilled,** and it was argued that the objectives of progressive **education could not be achieved in a capitalist society because the school's function was the reproduction of a stratified labour force**. Marxist educational theorists **portray racism as originating in the struggle of the proletariat against the bourgeoisie, the class controlling the means of production and distribution of material wealth**. They contend that racism arises from and is a condition for capitalism (Bourgeault, 1988). In this view, "**racism serves the important function of producing cheap labour for capital accumula- tion"** (Bolaria & Li, 1988, p. 14). **This function of capitalism is accomplished by bringing large numbers of non-white immigrants or migrant labourers into the country,** providing employers with a "reserve army" labour pool, that is, more labourers than are needed, ostensibly as a hedge against unforseen shortages, but in actuality to reduce the demand for, and hence the value of, indigenous work- ers. Immigrant workers who consider even a low standard of living better than what they were familiar with in their home countries, are often willing to work for less than their indigenous counterparts, and thus employers can use them to undermine indigenous workers' ability to demand higher wages. Employers bene- fit from the cheaper, more docile immigrant labourer, compared with the higher priced and better organized indigenous labour force, which resents what it views as unfair competition (Adam, 1983). **In this way, white working-class resistance to capitalist exploitation is conveniently redirected toward "alien," non-white scapegoats** (Jenkins, 1978). **Capitalism, then, is considered to have a vested interest in maintaining material discrepancies and racial antagonisms between white and non-white workers, and thus in perpetuating racism** (Elliott & Fleras, 1992). Accordingly, Marxist educational theorists have concluded that **the pur- pose of the education system as an integral component of capitalist societies is "not to achieve equality, but quite the reverse: to reinforce inequality**" (Willis, 1981, p. x). Anti-racist educators seek to redress these inequities through a politicization of curriculum and instruction (Francis, 1984; Short & Carrington, 1992). This position is clearly evident in Troyna and Williams' (1986) contention that anti- racist education requires "involvement by educational institutions in political issues" (p. 107), and in the view of Thomas (1984) that "anti-racist education is also political education" (p. 24). As a politicized curriculum, anti-racist education teaches the structural, economic, and social roots of inequality. It "confronts" prejudice through an examination of the historical antecedents and contemporary manifestations of racial discrimination in society (McGregor, 1993; Tator & Henry, 1991). **It focuses critical attention on unequal social and power relations that capitalism maintains and gives the appearance of rationality.** Unless students understand the nature and characteristics of discriminatory barriers and thus acquire political agency, anti-racist educators believe the prevailing inequitable distribution of resources will remain intact (Fleras & Elliott, 1992). **Anti-racist education should, argues Stanley (1992), be directed toward changing the social realities that racism appears to explain, rather than simply trying to change the explanations themselves.** Critics of the politicized character of anti-racist education have complained of "the subordination of education to political ends regardless of the educational consequences" (Pearce, 1986, p. 136) and the possibility of indoctrination or propaganda (Troyna & Carrington, 1990). A difficulty in using politically orient- ed anti-racist curricula is the perception of many parents and educators that the current curriculum is and should remain apolitical. A related concern is whether the Canadian public, which is predominantly centrist politically, would support a type of education so closely aligned with the political left. One should also remember the strong anti-left sentiments of many immigrant and refugee groups in Canada for whom Marxism is synonymous with oppression (H. Palmer, 1991). Some observers such as Massey (1991) maintain that anti-racist education carries too much left-wing baggage to gain widespread public support. Perhaps Sharma's (1991) observation that anti-racist education will have to dissociate itself from leftist ideologies if it is to engage the support of the general public is an accurate assessment, given the historical and contemporary political climate in Canada. Elliott and Fleras (1992) **maintain that institutional and systemic racism are "embedded within the structures of a Capitalist system**" (p. 74). Similarly, Massey (1991) recognizes that in the anti-racist view, **"racism is seen as the direct and deliberate consequence of capitalist colonial exploitation**" (p. 32). Consequently, many anti-racists believe that as long as we have a capitalist system we will have racism. One difficulty with this position is that any improvement in racist attitudes or behaviour in Canadian society must be dis- counted because racism is a necessary condition of capitalism. **Similarly, if the very structure of the education system functions as an agent of institutional racism in a capitalist society, as some anti-racists suggest** (Tator & Henry, 1991), then it is highly unlikely that schools will be sympathetic to challenging the capitalist system. **When anti-racist education attacks the values of capitalism, it sets itself in an untenable position** in the Canadian context, where Canadians have historically embraced capitalist enterprise and continue to do so.

### Add-On – Theory

#### Theory arguments about what type of positions the neg can read (like PICs, consult, NCs) must be in the 1AC –

#### a) substantive education – they can always read theory on my strat so having their interps in the aff means I can put together a 1NC that we can actually debate

#### b) bidirectional interps mean that taking a stance before the 1NC is the only fair option – I can’t predict what I have to do to prevent their 1AR whining

#### PICs are key to negative strategy against plans.

Paul Skiermont 96, Unversity of Kentucky. “The Affirmative's Juvenile Complaint: In Defense of Plan-Inclusive Counterplans” 1996. http://groups.wfu.edu/debate/MiscSites/DRGArticles/Skiermont1996JuvenileCrime.htm SA-IB

There are several arguments that can be advanced to justify adding the PIC to the negative arsenal. One of these arguments rests on the notion of competitive equity. It is no secret that the affirmative has a tremendous advantage in this game we play called debate. The affirmative bias is demonstrated by the lopsided percentage of affirmative wins at tournaments throughout the country in college and high school. It should not be surprising that affirmatives win more on average. The affirmative has a tremendous research advantage that starts at the very beginning of the year and continues as the topic evolves. At the start of the year, affirmatives have virtually unlimited prep time to select a small area of a very broad resolution to thoroughly explore. When the negative arrives at the first tournament of the year, there may be 50 or 60 different affirmatives to deal with. In many cases the has been researching a case for months before the negative gets their first opportunity to even hear the case. This research advantage multiplies as the year progresses as more and more affirmatives are added to the "case list." Affirmatives snatch up even more of a competitive advantage by springing new cases on unsuspecting negatives. If the affirmative chooses to forego the new case option, they get to refine their old one upon -hearing negative strategies tournament after tournament. If the negative team does not refine their strategy constantly, they may be shocked to hear the 2AC stand up and turn all of the arguments that beat the case only a few weeks earlier. As the case list grows, the old cases are neglected to the negative's peril, creating a fairly overwhelming burden on the negative. Unless we are willing to give up every waking moment for the "quest for cards," I suggest we revitalize the power of the counterplan and let negatives become crafty "thieves" of affirmative mandates. A PIC, especially the states counterplan, allows the negative a fighting chance when they have been caught with their proverbial pants down. There are two main arguments advanced by the affirmative against this appeal for competitive equity. One is that all teams have the same number of affirmative and negative rounds in prelims, and an equal chance for being affirmative in elims, so the affirmative bias does not benefit anyone unequally. Though there is some truth to this argument, it is hardly a principled way in which to resolve theoretical disputes. For the sake of fairness, it seems that debate theory should be developed in a manner which gives both sides an equal shot at winning any given round. While that ideal cannot be achieved absolutely, it is a good goal to strive for, and represents a principled way to resolve theory disputes. The argument that teams have the same number of affirmative rounds is also inconsistent with the argument that PICs unfairly expand negative ground-if sides are equal, who cares if PICs increase negative ground. A second affirmative argument against competitive equity is that the PIC gives the negative an unfair advantage because negatives can run the same generic counterplan year after year. The same generic counterplan is usually not applicable year after year. For instance, the states counterplan would have been an ineffective negative tool on the China topic. We do not pick topics that allow state action year after year. Also, the more frequently affirmatives debate the states counterplan, the more they improve against it; thus it is not in the negative's best interest to employ the counterplan every round. The fact that the states counterplan might be applicable may encourage affirmatives to write cases that are unique to federal action. Such a development would narrow the scope of cases the negative has to debate and move the topic closer to its federal wording. Also, the logical extension of this affirmative argument destroys almost all counterplan ground. Almost all counterplans are plan-inclusive in some manner, whether it be the same agent or the some of the same mandates. To eliminate PICs erases many of the negative's options when developing strategies against cases. Finally, the advantage gained by the negative in running the states counterplan is not possibly commensurate with the infinite prep time advantage of the affirmative. Another core argument in favor of PICs is grounded in the search for the best policy. Allowing counterplans that refine the affirmative plan enables the negative to develop strategies that are sophisticated and highly relevant to the policy discussions in the literature. If affirmatives formulate their plans to be highly strategic in order to avoid negative arguments, a counterplan without the frills created out of fear of certain arguments may be the best policy action to pursue--only the PIC allows that. A good example of this scenario occurred on the college debate topic to curtail the commander-in-chief power of the President. To avoid the most popular generic on the topic, interbranch conflict affirmatives tampered with their plans and had the President propose the curtailment of his own power. One PIC which has been misinterpreted, had the President veto the plan instead of proposing the plan. The key to this strategy was a net benefit to a veto over cooperation that had to be won by the negative. This example demonstrates how the PIC could be crucial for the negative as affirmatives write their plans to avoid negative arguments. The states counterplan is a highly relevant issue in policy debates about juvenile crime. If the affirmative chooses to adopt some program that is widely advocated in the literature as a state prerogative, the negative should not be stripped of the ability to introduce the most widely advocated manner of adopting a plan just because some affirmative federalized the program to be topical. In this case, the plan-inclusive nature of the states counterplan is its essential attribute and there is no good reason to artificially exclude this option. Why give the affirmative yet another advantage by allowing them to distort the policy process? The wording of this year's topic is a liability to the negative because of its broad nature. It seems entirely fair to make the affirmative liable for the fact that a federal topic was chosen in an area that is broadly seen as a state issue. The plan-inclusive states counterplan thus aids competitive equity and is firmly grounded in the policy literature. The final offense-oriented justification of the PIC is the already well-established theory of counterplan competition. If the counterplan alone is more net beneficial than a combination of the entireplan plus all or part of the counterplan, then the negative should win because the counterplan is competitive via net benefits. Using this well accepted definition of competition, the PIC is legitimate. When the negative counterplans with a part of the affirmative plan, the only way the affirmative can co-opt the negative counterplan is to sever part of their plan. By excluding part of the plan in the counterplan the negative is saying that the affirmative, in its infinite prep time, could not come up with the best plan. The threat of these counterplans also discourages affirmatives from putting extra mandates in their plans to avoid negative arguments. To allow the affirmative to sever once it has been demonstrated that part of their plan is disadvantageous is to encourage hit and run debate, discourage advocacy, and give the affirmative an insurmountable strategic advantage. Affirmatives could just write big plans and then ditch parts as the negative attacks them-hardly the ideal we are searching for. Since the PIC is competitive, it should be accepted as a legitimate negative argument. In the realm of the states counterplan, allowing the affirmative to dismiss the counterplan by severing their agent and adopting the states as the actor, is doubly illegitimate. First, the affirmative would arguably be severing to a nontopical agent. Second, the arguments advanced against severability above also apply. With the states counterplan, the negative still has the burden of winning a harm that is unique to federal action that the counterplan avoids. The best argument against PICs that has not already been discussed is that they trivialize debate by allowing the negative to counterplan to exclude a tiny part of the affirmative plan. The argument is that the sly negative might counterplan with 99% of the affirmative plan and argue that the 1% they exclude has a net benefit. One abuse example would be to fund the plan minus one penny and claim Benjamin Franklin as the net benefit (a penny saved is a penny earned). Upon closer examination, however, this does not appear to be a major liability of the PIC. First of all, I would be very surprised to hear that a negative won a debate on Benjamin Franklin, especially since the amount of solvency one penny gets the affirmative is probably enough to outweigh a cliché-this demonstrates how net benefits can check abusive counterplans. Secondly, who is to say what is trivial and what is not? Many times the affirmative plan is a fairly trivial variation of the status quo. Most link-duck cases fall in this category. In the area of juvenile crime, the states counterplan is a very distinct alternative from federal action--there is nothing, trivial about it. Also, the affirmative still gets to pick their ground first. This argument is very similar to the infinite prep time rule. If the case is an area where the states may be equally suited to solve the problem then the affirmative was not very strategic about the manner in which they used their huge prep time advantage. To say that the negative should not be able to capitalize on such mistake only overburdens an already highly burdened negative strategist. The bottom line is that the affirmative should be required to defend their whole plan, not only the parts they deem worthy of defending.

## Frontlines – Perm

### A2 PDB

#### This is nonsense—either it links to the net benefit or severs, which is a voting issue—you can sever parts of the aff to avoid our disads—means you never have to defend your positions to make real change and there’s no neg ground or clash.

### A2 PCP

#### Severs the constitutionally protected speech portion of the 1AC—that’s a voting issue —means you never have to defend your positions to make real change and there’s no neg ground or clash.

#### Yes – advertising is protected speech. US Courts:

“What Does Free Speech Mean?” http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does SA-IB

The First Amendment states, in relevant part, that: “Congress shall make no law...abridging freedom of speech.” Freedom of speech includes the right: Not to speak (specifically, the right not to salute the flag). West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943). Of students to wear black armbands to school to protest a war (“Students do not shed their constitutional rights at the schoolhouse gate.”). Tinker v. Des Moines, 393 U.S. 503 (1969). To use certain offensive words and phrases to convey political messages. Cohen v. California, 403 U.S. 15 (1971). To contribute money (under certain circumstances) to political campaigns. Buckley v. Valeo, 424 U.S. 1 (1976). To advertise commercial products and professional services (with some restrictions). Virginia Board of Pharmacy v. Virginia Consumer Council, 425 U.S. 748 (1976); Bates v. State Bar of Arizona, 433 U.S. 350 (1977).

### A2 Textual Competition

#### Textual competition is bad

#### Invites silly counterplans that just change the verb tense like e-prime

#### Reduces debate to semantics, where we waste time on theory debates instead of substantive issues

#### PICs are key to test *every part* of the plan and their textual competition claims incentivize *vague plan texts* so they can avoid good neg arguments and permute every PIC

## Frontlines – Substance

### A2 Spillover

### A2 Can’t Solve

### A2 Ban Doesn’t Work